

EXHIBIT 30

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

STATE OF TEXAS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 1:14-cv-00254
)	
UNITED STATES OF AMERICA, et al.,)	
)	
Defendants)	

DECLARATION OF DONALD M. SNEMIS

I, Donald M. Snemis, hereby declare as follows:

1. I am over the age of 18 and fully competent in all respects to make this Affidavit.
2. I have personal knowledge of the matters herein stated.
3. I am the duly-appointed Commissioner of the Indiana Bureau of Motor Vehicles (BMV) and Indiana Bureau of Motor Vehicles Commission (BMVC).
4. The BMV is an agency of the executive branch of the State of Indiana. The BMV is responsible for administering and enforcing Indiana's motor vehicle laws. *See Ind. Code § 9-14 et al.*
5. The BMVC is a body corporate and politic that is separate from the state but that exercises essential government functions, including the operation of Indiana's one hundred thirty-two (132) license branches. *See Ind. Code § 9-15 et al.*

The BMVC also serves as the State of Indiana's motor vehicle authority of purposes of the National Voter Registration Act. Ind. Code § 3-7-14-3.

6. For ease of reference, this Affidavit refers to both entities jointly as the "BMV" or the "Indiana BMV."

7. I have served as Commissioner of the Indiana BMV since January 6, 2014.

8. Prior to assuming the role of Commissioner, I practiced law for about twenty-five (25) years. I remain an active member of the Indiana bar.

9. The BMV employs approximately 1,400 people. About 350 work in the BMV's Central Office in Indianapolis, while the remaining 1,050 work in the BMV's branch offices.

10. The BMV is responsible for approving and issuing driver's licenses, permits and identification cards for non-drivers (collectively "credentials") to Indiana residents. *See* Ind. Code §§ 9-24-11; 9-24-16.

11. From 2010 through 2014, the BMV manufactured and delivered approximately 1,550,000 credentials per year.

12. Indiana law requires all applicants for driver's licenses, permits or identification cards to present documentary evidence to the BMV that the applicant is either a citizen of the United States or lawfully residing in the United States. Ind. Code §§ 9-24-9-2.5; 9-24-16-3.5.

13. Non-citizens who have approved deferred action status from the United States government qualify for credentials. Ind. Code §§ 9-24-9-2.5(9); 9-24-

16-3.5(I). The BMV requires that all such transactions be performed in-person at one of the BMV's one-hundred thirty-two (132) license branches.

14. In June of 2012, the United States Secretary of Homeland Security announced that certain classes of non-citizens who arrived in the United States as children could request deferred action ("DACA") status. See: <http://www.uscis.gov/childhoodarrivals>.

15. There are approximately 5,300 individuals with DACA status who currently hold credentials issued by the Indiana BMV.

16. I am aware of President Barack Obama's recent executive action extending DACA status to more than four (4) million additional undocumented immigrants throughout the United States.

17. The President's "executive amnesty" will place a substantial financial burden upon the Indiana BMV.

18. It has been estimated that there were approximately 85,000 unauthorized immigrants in the State of Indiana in 2012.¹ Thus, the Indiana BMV may receive upwards of 85,000 new DACA credential applications in 2014 under the expanded program.

19. In order to meet our goals for customer service, the BMV must employ a sufficient number of people, and maintain a sufficient number of license branches, so that transaction times are reasonably short. Thus, the BMV's branch-related costs are tied directly to (a) the number of transactions we anticipate processing and

¹ These are the most recent estimates I have been able to locate. See: <http://www.pewhispanic.org/2014/11/18/unauthorized-immigrant-totals-rise-in-7-states-fall-in-14/>

(b) the number of transactions BMV employees can process in a given amount of time.

20. The BMV routinely tracks both its average branch transaction times (by type of transaction) and its average cost per branch transaction. In 2014, the average branch transaction took about two minutes, twenty-one seconds (2:21) and the BMV's overall cost branch transaction cost was \$12.85 per transaction.

21. Applications for credentials submitted by individuals with DACA status are among the most complicated and time-consuming transactions handled by BMV branch employees. The average transaction time for DACA credential applications in 2014 was ten minutes, fifty-eight seconds (10:58), about 4.7 times as long as the average transaction. Thus, it is reasonable to estimate that the BMV's average cost for a DACA credential transaction is about 4.7 times its cost for an average transaction, which results in a cost of about \$60.40 per transaction.

22. Additionally, the BMV verifies lawful status of DACA applicants with the Systematic Alien Verification for Entitlements (SAVE) Program administered by the United States Citizenship and Immigration Services (USCIS). *See: www.uscis.gov/save*. The cost per verification is between \$.50 and \$1.50 depending upon whether verification is completed with the initial inquiry or requires subsequent levels of inquiry.

23. The Indiana BMV charges applicants under the age of seventy-five \$17.50 for a driver's license. Of this amount, \$8.25 is distributed to various state accounts, and \$9.25 is deposited into the Bureau of Motor Vehicles Commission

Fund ("BMVC Fund"), which was established for the purpose of paying the expenses of operating license branches. Ind. Code §§ 9-29-9-2.1; 9-29-14-1. Assuming a cost of about \$61 per transaction, The BMV loses about \$51.75 on each DACA application for a driver's license. About 69% of all credentials issued by the BMV are driver's licenses. Assuming that the Indiana BMV receives 58,650 new DACA driver's license applications (69% of 85,000 newly qualified applicants), the BMV would incur about \$3 million in additional costs.

24. The Indiana BMV charges applicants for learner's permits \$9.50. Of this amount, \$4.75 is deposited into various state funds and \$4.75 is deposited into the BMVC Fund. Ind. Code § 9-29-9-1. Thus, the BMV loses about \$56.25 on each DACA application for a learner's permit. About 12% of all credentials issued by the BMV are learner's permits. Assuming that the Indiana BMV receives 10,200 new DACA applications for learner's permits, the BMV would incur about \$574,000 in additional costs.

25. Identification cards are generally free to Indiana residents who are U.S. citizens, but the BMV charges DACA applicants \$11.50 for an identification card. Of this amount, \$4.50 is deposited to various state accounts and \$7.00 is deposited into the BMVC Fund. Ind. Code § 9-29-9-15. Thus, the BMV loses about \$54 on each DACA application for an identification card. About 19% of all credentials issued by the BMV are identification cards. Assuming that the Indiana receives 16,150 new DACA applications for identification cards, the BMV would incur about \$872,000 in additional costs.

26. In addition, extending DACA status to undocumented immigrants residing in Indiana will likely increase the Indiana BMV's burdens related to fraud investigations. A photograph is taken of all new credential applicants, and that photo is routinely processed by the BMV's facial recognition software to determine if the applicant previously obtained an Indiana credential using another identity. When the software generates a likely hit, the BMV's Fraud & Security Enforcement Department ("FSE") investigates the case to determine if the individual had previously obtained a credential under false pretenses.

27. In 2014 alone, the seven (7) investigators in the BMV's FSE Department conducted about eight hundred fifty (850) investigations resulting from facial recognition software hits. Of that amount, about eighty percent (80%), or six hundred eighty (680) investigations, resulted from situations where an unauthorized immigrant had obtained a credential from the BMV in the past using a false identity, and then later applied for a legitimate credential when he or she earned legal status. In those situations, the BMV routinely suspends the applicant's driving privileges for a period of time and refers the cases to county prosecutors for prosecution. The average investigation takes about eight (8) hours, and the BMV's cost for FSE investigators is about \$40 per hour. Thus, the BMV incurs about \$320 in costs for each FSE fraud investigation.

28. Some of the suspended individuals seek administrative review of their suspensions under the BMV's administrative appeals system, which is handled by the BMV's Legal Department. The BMV Legal Department handled about thirty-

two (32) appeals from fraud suspensions in 2014. The average administrative review takes about 4.5 hours, and the BMV's cost per attorney is about \$43 per hour. Thus, the BMV incurs about \$193.50 in costs for each appeal.

29. It is clear from the experience of the BMV that if 85,000 unauthorized immigrants suddenly gain DACA status and seek new credentials, a substantial number of new fraud investigations, suspensions and administrative appeals will occur. While it is not possible to predict the number of new investigations, suspensions or appeals with any accuracy, it is clear that the BMV will experience a significant impact from this change in the law.

30. The President's executive order expanding DACA does not include any funding mechanism to offset the additional \$4,446,000 in costs that the Indiana BMV estimates may be incurred as a result of "executive amnesty," or any of the costs related to fraud investigations, suspensions or administrative appeals that cannot currently be estimated. All of these costs will be borne by the State of Indiana.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Date:

1-5-2015



Donald M. Snemis, Commissioner
Indiana Bureau of Motor Vehicles
Indiana Bureau of Motor Vehicles Commission